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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,249	09/27/2002	Edgar L. Garrison	71445-3	2125
20915	7590	02/16/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			CECIL, TERRY K	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

1. The reply filed on 11-26-2004 is not fully responsive to the prior Office Action because of the following omissions or matters:

- Concerning the 112, second paragraph rejection of the prior office action, applicant's amendment to claim 1 does not answer the question as to whether the concentrations are given in terms of total solution after combination or in terms of constituent solutions before combination. Nor has applicant provided clarity in his arguments. The 112, second paragraph rejection of the prior office action has not been completely addressed.

In order to further prosecution and make a complete response, applicant should also do the following:

- Make explicit the unit conversions (see the last full paragraph of page 9 of the arguments) resulting in the new concentration values for silver colloid of new claim 14. It is noted that the specification does not provide antecedent basis for the silver colloid concentration expressed in anything other than *ppm*.
- Explain how applicant's claimed treatment solutions differ from that of Brookline (applied in the last office action) that teaches his antimicrobial solution to consist essentially of 2-10 ppm of silver and 100-450 ppm of H<sub>2</sub>O<sub>2</sub>. It is also pointed out that Brookline teaches his germicidal compositions to be varied depending upon the extent of contamination which may be present...(col. 5, lines 60-65) indicating that the exact composition is a matter of optimization.

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- Explain how applicant's claimed treatment solutions differ from claim 6 of Elhaik which teaches applicant's claimed weight percentages for silver and H<sub>2</sub>O<sub>2</sub> components of his new claim 14. It is noted that if applicant's concentrations are given in terms of solution components, then including "composed essentially of" in the claim does not preclude the presence of other ingredients—e.g. the acid of Elhaik. For example, a solution subcomponent of the total solution that is 0.3% H<sub>2</sub>O<sub>2</sub> obviously contains other ingredients. Did applicant intend to limit the presence of other *active ingredients* in his *antimicrobial* treatment solution?
- Applicant should consider expressing the concentrations of active ingredients in terms of total solution and including such in the claims so that a proper comparison can be made with the cited prior art (which defines concentration in terms of total solution).

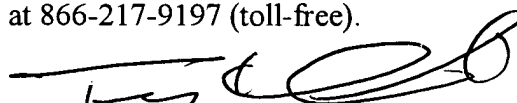
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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2. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Terry K. Cecil whose telephone number is (571) 272-1138. The examiner can normally be reached on 8:00a-4:30p M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
February 15, 2005